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MEASURES TO REGULATE FIREARMS

Report of the Secretary-General

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INTRODUCTION

1. On the recommendation of the Commission on Crime Prevention and Criminal Justice at its fourth session, the Economic and Social Council adopted resolution 1995/27. In section IV of that resolution, the Council requested the Secretary-General to establish and maintain close cooperation with Member States by exchanging data and other information on various topics related to the question of firearms regulation. The Council also requested the Secretary-General to collect information and consult with Member States on the implementation of national measures on that question, as outlined in resolution 9, paragraphs 7-10, of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, entitled "Firearms regulation for purposes of crime prevention and public safety".[1] In the same section of that resolution, the Council further requested the Secretary-General to submit to the Commission at its fifth session recommendations for concerted action at the national and transnational levels, including the possibility of seeking views of Member States on the preparation of a declaration.

2. Pursuant to Economic and Social Council resolution 1995/27, section IV, the Secretary-General sent a note verbale dated 20 November 1995 to Governments, inviting them to provide information on the following:

(a) Criminal cases, accidents and suicides in which firearms were involved, including the number of such cases and the number of victims involved, the status of firearms regulation by the law enforcement authorities, and the number of such cases in which minors were involved;

(b) The situation with regard to transnational illicit trafficking in firearms;

(c) National legislation and regulations relevant to firearms regulation;

(d) Relevant initiatives for firearms regulation at the national and regional levels;

(e) Steps taken to implement Ninth Congress resolution 9, in particular, national measures concerning:

(i) Adequate regulation of firearms, including appropriate enforcement, with a view to protecting public health and safety and to diminishing violent criminality;

(ii) Actions taken against illicit trafficking in firearms, through mutual cooperation, the exchange of information and the coordination of law enforcement activities, including information on transnational criminal syndicates involved in such trafficking;

(iii) Examination of the link between the use of firearms and accidents and suicides committed with firearms, and the effect of regulation on reducing their incidence;

(iv) Public awareness campaigns on firearms regulation and public opinion polls on that issue;

(f) Views on the preparation of a declaration concerning firearms regulation;

(g) Any other relevant documents or recent studies or reports on the subject.

3. A similar request was addressed to a number of intergovernmental organizations, including the International Criminal Police Organization (ICPO/Interpol).

I. SUMMARY OF INFORMATION RECEIVED FROM MEMBER STATES

4. As of 10 April 1996, replies had been received from 25 States: Argentina, Australia, Austria, Bahrain, Belarus, Bosnia and Herzegovina, Canada, Chile, Croatia, Finland, Germany, Greece, Holy See, Iran (Islamic Republic of), Jamaica, Japan, Maldives, Mexico, Norway, Pakistan, Philippines, Qatar, Slovakia, Sweden and Syrian Arab Republic. A summary of their replies is provided below.

A. Criminal cases, accidents and suicides involving firearms

5. Argentina noted that its reply was based on limited information covering Buenos Aires, Quilmes and San Isidro. Research on intentional homicides carried out in those cities showed that the majority of murders had been committed with firearms (see table 1).

Table 1. Argentina: homicides and armed robberies committed with firearms as a proportion of all homicides and armed robberies committed, Buenos Aires, Quilmes and San Isidro, 1993-1994
(Percentage)

Offence	*Buenos Aires (1993)*	*Quilmes (1994)*	*San Isidro (1993)*
Homicide	66	68	66
Involving a juvenile victim	16	23	..
Involving a victim under 21 years old	23	..	..
Armed robbery	84	..	..
Homicide and armed robbery			
Involving a juvenile victim	64[a]	..	..
Involving a juvenile offender	36[a]	..	..

[a]In the province of Buenos Aires.

6. Furthermore, according to data available from the National Registry of Recidivism and Criminal Statistics of Argentina, in 1992 there were 141 convictions throughout the country in cases involving the use of firearms and 153 in cases involving the manufacture or possession of explosive materials or military weapons. For the first of these categories of offence there was only one case in which the offender was under the age of 18; in the second category there were two such offenders.

7. Australia provided data on violent offences committed with firearms (see table 2) and on the ages of victims of suicides, fatal accidents or fatal assaults involving the use of firearms (see table 3).

Table 2. Australia: violent offences committed with firearms, 1993-1994

	Offence					
Year	*Murder*	*Attempted murder*	*Manslaughter*	*Sexual assault*	*Kidnapping*	*Robbery*
1993	28	52	2	20	13	1 089
1994	49	79	--	15	21	1 817

Source: National crime statistics of the Australian Bureau of Statistics.

Table 3. Australia: victims of suicides, fatal accidents or fatal assaults involving the use of firearms, by age group, 1990-1993

	Age of victim (years)											
Year	*Under 14*			*15-19*			*20 or over*			*Total*		
	A	B	C	A	B	C	A	B	C	A	B	C
1990	2	4	10	54	5	5	432	21	64	488	30	79
1991	3	--	5	48	5	4	459	24	75	510	29	84
1992	4	4	3	42	3	3	444	17	90	490	24	96
1993	2	2	7	30	2	3	403	14	54	435	18	64

Source: National crime statistics of the Australian Bureau of Statistics.

Note: A = suicide involving the use of firearms (suicide or self-inflicted injury involving the use of firearms or explosives)
B = accident involving the use of firearms and resulting in death (accident caused by a firearms missile)
C = assault involving the use of firearms and resulting in death (homicide or injury purposely inflicted by another person using a firearm or explosives)

8. Bahrain reported that, because of restrictive laws on firearms, there had been no offences related to the use of firearms in that country for the preceding 20 years.

9. Belarus reported that in 1994 and the first half of 1995, a total of 708 persons had been convicted by the courts for bearing, possessing, acquiring, manufacturing or selling firearms (except smooth-bore hunting guns) and ammunition or explosives without the requisite authorization. Thirty-four persons had been convicted of theft of firearms, ammunition or explosives.

10. Bosnia and Herzegovina reported the following figures for violent offences committed with firearms in the first eight months of 1995: 51 murders, including 6 involving minors; 12 attempted murders; 39 assaults resulting in grievous physical injuries, including 7 involving minors; and 76 robberies, including 5 involving minors. It also reported that in the first eight months of 1995, firearms had been involved in 34 suicides and 28 accidents. Of the 28 accidents, 15 had been fatal and 13 had resulted in injuries; 6 of the accidents had involved minors.

11. Canada reported that it would prefer to provide a single, comprehensive response through its participation in the United Nations study on gathering and analysing information on firearms regulation (see section II below).

12. Croatia reported a total of 2,064 offences committed involving firearms in 1994, including 135 murders or attempted murders, 28 cases resulting in serious physical injuries, 375 cases involving crime against common safety, 352 aggravated robberies, 420 cases involving illegal possession of weapons and 30 cases involving concealment of weapons. It also reported that the number of suicides committed with firearms totalled 298 in 1993, including 35 involving minors, and totalled 262 in 1994, including 26 involving minors.

13. Finland reported that, in 1993, 26.5 per cent (166) of cases involving homicide and intentional injury and 22.8 per cent of suicides in that country had involved the use of firearms. The use of firearms in robberies of financial institutions has increased. In 1992, firearms were used in about 75 per cent of such robberies.

14. Greece provided data on homicides, suicides and accidents in that country in the period 1993-1995 that involved the use of firearms (see table 4).

Table 4. Greece: homicides, suicides and accidents involving the use of firearms, 1993-1995

Type of incident involving the use of firearms	*1993*	*1994*	*1995*
Homicide	58	57	49
Suicide	52	47	52
Accident	47	33	28

15. The Islamic Republic of Iran provided data on armed robberies and smuggling of firearms in the period 1991-1994 (see table 5).

Table 5. Islamic Republic of Iran: armed robbery and smuggling of firearms, 1991-1994

Offence	*1991*	*1992*	*1993*	*1994*
Committed armed robbery	211	313	351	498
Detected armed robbery	155	287	304	432
Involving a foreigner	..	..	..	8
Smuggling of firearms by an Iranian[a]	..	..	..	95
Involving a foreigner	..	..	..	38

Note: For each year, the 12-month reporting period begins in March of that year; for example, the data for 1991 refer to the period from March 1991 to March 1992.

[a]In a member State of the International Criminal Police Organization (ICPO/Interpol).

16. Jamaica provided the following data on cases related to firearms in the period 1994-1995:

	1994	*1995*
Murder	383	450
Involving a minor as offender	11	5[a]
Shooting	1,251	1,308
Involving a minor as offender	26	8
Rape and carnal abuse	259	288
Robbery	2,885	2,411
Suicide	30	38

[a]Involving as victims 19 male and 10 female minors.

17. Japan reported data on offences committed using firearms on its territory in the period 1990-1994 (see table 6). It also reported the following annual figures for the total number of handguns* confiscated by police in that period: 963 in 1990; 1,032 in 1991; 1,450 in 1992; 1,672 in 1993; and 1,747 in 1994.

Table 6. Japan: offences committed using firearms, 1990-1994

Offence	*1990*	*1991*	*1992*	*1993*	*1994*
Firing a firearm in public	291	241	222	233	249
Homicide	87	69	60	33	41
Robbery	27	14	39	23	17
Inflicting injury	4	11	4	3	10
Extortion	5	5	6	8	6

18. Norway reported that in 1995 there had been 19 cases in which firearms had been used to inflict grievous bodily harm and that in 1994 there had been 24 such cases. Norway also reported data on murders in which firearms had been used in the period 1992-1995 (see table 7). In 1995 none of the perpetrators of such offences were under 15 years old, 15 were 15-20 years old, 26 were 21-30 years old, 13 were 31-40 years old and 8 were over 40 years old.

*Including both authentic (or genuine) handguns and handguns made from "model guns". "Model guns" are toy guns made of metal that have forms similar to genuine handguns and that can be made into real guns.

Table 7. Norway: murders in which firearms were used, 1992-1995

Year	*Cases*	*Victims*	*Perpetrators*	*Firearms used*
1992	40	41	48	12
1993	39	41	49	14
1994	27	27	27	7
1995	33	33[a]	62	11

[a]Including 14 females.

19. The Philippines reported that there had been 766 criminal cases involving firearms between 1 January and 1 October 1994.

20. Slovakia reported that in 1995 the following criminal offences had been committed with firearms: 114 murders, including 39 involving the use of firearms and none involving minors; and 1,197 burglaries, including 80 involving the use of firearms, 2 involving minors as perpetrators and 5 involving minors as victims. No information was available on suicides and accidents involving firearms.

21. Sweden reported that in 1992 firearms had been involved in 27 homicides, 70 attempted homicides, 461 armed robberies, 169 suicides and 4 accidents. In addition, in 1991, 311 people were treated in hospitals for injuries caused by firearms.

B. Transnational illicit trafficking in firearms

22. Argentina reported that there were no statistical data on the current situation regarding illicit trafficking in firearms.

23. In Australia, law enforcement agencies were monitoring persons and organized groups dealing in illicit firearms and munitions and were producing status reports identifying some of the key offenders. The law enforcement agencies had established a nationally coordinated cooperative network of contact officers to regulate illicit trafficking in firearms. The regulatory role of the Government was primarily restricted to controlling the importation of firearms. The Customs Regulations were amended in 1991 to ban the importation of handguns and ammunition for which there was no apparent legitimate use within the general community, as well as sales of defence surplus weapons to the public.

24. In Austria, cooperation between the security authorities and those of neighbouring countries had been intensified in order to tackle the problem of illicit transport of weapons. Furthermore, a special unit had been established within the Ministry of the Interior to combat illegal trafficking in arms and explosives. In the course of the conflict in former republics of Yugoslavia, arms had been sent from a large number of countries in western Europe and from nearly all the countries in central and eastern Europe. Most of the smuggling routes had not gone through Austria. However, seizures of arms had been made by Austrian authorities at its borders and there had been a reverse trend in trafficking in firearms from former republics of Yugoslavia to central European countries. Twelve persons had been convicted for violations of the law prohibiting war material. There had been 711 violations of the weapons law.

25. Belarus reported that, because of its geographical position and for a number of other reasons, it found itself at the epicentre of the illicit traffic in firearms.

26. Bosnia and Herzegovina reported that the police had had success in discovering and cutting off the channels used by organized criminal groups to smuggle weapons, ammunition, explosives and other dangerous devices.

27. Finland reported that there had been 85 cases involving illicit trafficking in firearms in 1992 and 184 such cases in 1994.

28. Germany reported that the 1978 European Convention on the Control of the Acquisition and Possession of Firearms by Individuals,[2] concluded between the member States of the Council of Europe, had constituted a first step towards the control of illegal arms trafficking. The Convention, however, had only been implemented in a few member States of the Council. Nevertheless, the German authorities had received information on the basis of the Convention that enabled them to successfully carry out two major operations against the illegal imports and the illegal possession of firearms.

29. Greece reported that, after the end of the cold war, there had been an increase in criminal acts involving firearms. Much of that increase had been caused by illicit trafficking in firearms and in illegal immigrants from south-eastern Europe, especially from countries bordering Greece. In an effort to curb illicit trafficking in firearms and narcotic drugs, a special police service had been established.

30. Japan reported that handguns confiscated on its territory in 1994 originated in the following countries (listed in descending order according to share of total handguns confiscated):

	Handguns[a] confiscated	*Share of total (percentage)*
United States of America	489	32
China	311	21
Philippines	140	9
Italy	82	5
Brazil	71	5
Spain	67	4
Belgium	54	4
Others	299	20
Total	1,513	100

[a]Authentic (or genuine) handguns.

31. In Japan, the majority of smuggled handguns were confiscated not following their detection at the border but following arrests for illegal possession of handguns. There was an urgent need for the Government to uncover smuggling routes in order to prevent the influx of handguns into Japan and to combat the more and more sophisticated methods being used to smuggle such weapons. Customs Administration was trying to detect illicit trafficking in firearms by selecting targets for stricter examination based on past records of confiscation or information, as well as by making effective use of staff and such equipment as X-ray machines and metal detectors.

32. Mexico reported that there was a considerable relationship between illicit trafficking in firearms and drug trafficking. The Government considered it a priority to make the international community aware of the significance of those links and to attach maximum importance to the development of bilateral, regional and international agreements with a view to formulating joint plans and strategies to tackle both problems.

33. Norway reported that illicit international trafficking in firearms had so far not been found to be a major problem and that in 1995 no cases involving smuggling in firearms had been reported to the police.

34. The Philippines reported that, in order to combat smuggling of firearms, the national police were putting personnel, as well as metal detectors and X-ray machines, at ports to monitor incoming cargo. In addition, the Philippines allowed licensed firearms dealers to import all types of firearms in an effort to reduce illegal trafficking in firearms. The Government had requested foreign embassies to inform their respective Governments that all transactions involving firearms intended for the Philippines must be relayed in advance to the national police in order to permit proper monitoring.

35. Slovakia mentioned its Aliens and Border Police Forces, whose main task was to prevent firearms smuggling at border crossing points and international airports. The police were issuing covering letters for the carriage of firearms, authorizing the transport of arms and munitions within the territory of Slovakia. There was close coordination with the State frontier guarding units of neighbouring countries to permit the prompt exchange of information on transfrontier criminal activities with a view to preventing, *inter alia*, illicit trafficking in arms and ammunition.

36. Sweden reported that the National Board of Police estimated that between 500 and 1,000 firearms were smuggled into Sweden every year, around 100 of which were detected and confiscated by the customs or the police.

C. National legislation and regulations relevant to firearms regulation

37. Argentina reported that the law regulating military and civilian weapons had been succeeded by further regulations that either supplemented it or superseded it in part. Recent law prohibited the transfer of all firearms. The bearing of arms by a civilian was not an offence under the Penal Code, but an "infraction" that could result in a fine. The Penal Code established various types of offence with respect to firearms, such as the misuse of weapons, the firing of firearms against a person without wounding, mere possession of military weapons or materials without the requisite licence and the stockpiling of weapons. Licences to use military weapons were given to special governmental officers and private persons. The acquisition, transfer, use, possession and bearing of arms designated for civilian use were matters for which the federal police, *Gendarmería* and naval prefecture had supervisory control under the general authority of the Ministry of Defence. Both the federal and the provincial police were involved in the regulation and registration of acts and activities covered by the national law on arms and explosives and were responsible for issuing the relevant licences. Local inspectorates were required to submit quarterly reports to the national arms registry on all activities investigated by them. The directorate for criminal policy had not carried out any specific research on firearms regulation, but other studies had yielded significant data on the use of firearms in cases involving murder or robbery. According to data provided by the national arms registry, there were 700,000 registered firearms in Argentina in the possession of civilians and a further 400,000 unlicensed weapons. Those figures meant that in approximately one in eight households there was a firearm and that in a large number of those cases the owner had no licence for the possession of firearms.

38. Australia reported that, despite the federal jurisdiction of the Government, it had actively encouraged state jurisdictions to coordinate their efforts in a uniform approach to firearms controls.

39. Austria reported that the Weapons Law 1986, amended in 1994, distinguished between the authorization to acquire, possess and use handguns and rifles. Private persons who wanted to acquire, possess, import and

use handguns needed official authorization. In the case of rifles for use by civilians, in order to acquire and possess such weapons, such persons needed special documents certifying that they were over 18 years of age and had not been forbidden to use weapons; in addition, they needed official authorization to carry and use such weapons. Austrian law banned the acquisition, possession and use of war material such as automatic weapons, sub-machine-guns and machine-guns. However, it was possible to import, export and transit them with proper authorization. All weapons must be registered in a weapon list at a licensed weapon shop. No central registration mechanism existed.

40. Bahrain reported that only certain security-related authorities were allowed to possess firearms. No person was allowed to possess, manufacture or import any type of firearms or ammunition without licensed authority from the Ministry of the Interior.

41. Belarus reported that there were provisions establishing liability for the unlawful bearing, possession, acquisition, manufacture or sale of weapons or explosives and for the theft of firearms, ammunition or explosives (Criminal Code, articles 213 and 213-1) and criminal liability for negligent possession of firearms leading to the use of such arms by another person and resulting in serious damage (Criminal Code, article 214). In response to the escalation of armed attacks on the lives and property of citizens and with a view to curbing the rise of terrorism and extremism and stabilizing the situation, there were plans to adopt a new bill on arms. The bill would cover arms trafficking and the manufacture, sale, transfer, acquisition, use, withdrawal, destruction, export and import of weapons and also the import and export of particular models of weapons. A decree had established a State monopoly on the sale of all types of firearms and ammunition for such firearms (apart from firearms used for hunting and sports and the requisite ammunition) and special self-defence devices (gas canisters) and refills for such devices.

42. Bosnia and Herzegovina reported that due to the recent war, regulations on the use of firearms, including the Law of Purchase, Holding and Carrying of Weapons and Munitions, could not be effectively administered. Regulations on the use of firearms in the workplace and in carrying out work-related duties were being strictly enforced, pursuant to regulations of the Law for Inner Affairs, by persons licensed by the Ministry of the Interior and their organizational units.

43. Croatia reported that during the war, a large number of crimes had been committed with weapons and explosives. Since the end of the war and the return of the police to its peacetime tasks, the number of crimes committed had substantially decreased. The Ministry of the Interior had begun harmonizing the legal regulations under its responsibility with western European regulations. The Law on Weapons had been amended by new legislation on unregistered weapons in citizens' possession, on the buying from citizens of weapons that could not be legally purchased, kept and carried (automatic guns and machine-guns) and on the purchase of air and gas weapons without obligation to register them. By the end of September 1995, 410,149 weapons had been registered, of which 368,167 were in the possession of private citizens and the rest were in the possession of legal entities. Since 1992, the police had confiscated 6,387 "long" and "short" weapons; 172 launchers, anti-aircraft machine-guns and hand-held rocket launchers; 218,485 pieces of ammunition; 1,096 kilograms of explosives; 10,856 bombs and other types of explosive devices; and 18,723 other devices and pieces of military equipment.

44. Finland reported that act 33/33 and decree 34/33 of 27 January 1933 regulated the acquisition, possession, import, export, trade, manufacture, conversion and commercial import of components of firearms for civilian use. The acquisition and possession of all kinds of firearms and ammunition required the issue of a licence by the police. A licence for the acquisition of a "pocket pistol", a firearm with repeating action or a military weapon other than a single-shot rifle could be issued only if the weapon was necessary for the person's office or profession or if an exceptional permit was issued by the county government. The trade in and commercial import, manufacture and conversion of firearms required a licence issued by the respective authorities.

45. Germany reported that strict legislative regulations applied to any purchase or possession of firearms by private individuals. Persons intending to purchase and possess firearms must obtain a licence from the competent authorities. Such a licence might only be issued if the applicant proved to be reliable, trained and physically apt and in addition is able to substantiate the need for the intended purchase and/or possession of firearms. An additional licence was required to carry a loaded gun in public. Such a licence might only be issued for a limited period if it was determined that the applicant would be exposed to considerable danger and that a firearm was the best means of reducing that danger.

46. Greece reported that law No. 2168/1993 had gone into effect on 3 November 1993 and that it was in accordance with the relevant European Union directive and provided for all matters relating to firearms, ammunition, explosives etc. The law provided heavy sanctions against the illicit import of or trafficking in firearms (imprisonment for at least one year and a fine of between 1 million and 10 million drachmas).

47. The Islamic Republic of Iran reported several national statutes regulating the control of firearms, such as the penal codes for armed personnel of the Islamic Republic of Iran in emergency cases (section 7, articles 60 and 63-65, and section 8, article 67). Among other laws, there was also the law on the issuance by the gendarmerie of permits for carrying weapons, adopted on 16 May 1995; and the Islamic penal law adopted on 28 November 1990 (chapter 7, section 1, articles 183-188).

48. Jamaica reported that there was a licensing system for manufacturers and dealers of non-prohibited firearms and for possessors and users of such firearms. The authorities dealing with licensing included the Commissioner of Police (for dealers and users) and the Collector-General (for transshipment).

49. Japan reported that firearms regulations were customized according to the type and purpose of firearms. Possession of firearms by the general public was forbidden. Only officials such as police and self-defence forces, as well as a few athletes participating in shooting sports, were permitted to possess handguns. Possession of hunting guns was generally prohibited. A licence for the possession and use of hunting guns for hunting game, exterminating vermin or shooting targets was issued only after a thorough inquiry into the personal history of the person requesting the licence (age, criminal record, mental health etc.) by the Prefectural Public Safety Commission. Before using a hunting rifle, the licensee was obliged to complete a training course on both the handling and the use of the rifle. As of late 1994, legal permission had been granted for the possession of 417,388 hunting guns. The possession of airguns was also generally prohibited. Dealing in live cartridges was also under strict control. The manufacturing of firearms required a licence issued by the Minister of International Trade and Industry. The importation of firearms was also forbidden, except for persons with the above-mentioned licence. In order to prevent the manufacturing of illegal handguns, it was also prohibited to possess, for the purpose of selling, "model guns", which could be made into real guns. To prevent crimes involving the use of toy handguns, the possession of "imitation handguns" was prohibited. The Firearms and Swords Control Law had been amended in 1993 and 1995 in response to an increase in firearms smuggling and firearms-related crime, especially crimes of violence committed by the Boryokudan (an organized criminal group) against ordinary citizens. The amendments included the introduction of more severe punishment, especially for smuggling for profit, the reduction or exemption of penalties for criminals surrendering to the investigative authorities, the introduction of an article against handguns firing by themselves in public spaces and the facilitation of the use of the "clean controlled delivery"* technique.

50. Maldives reported that its laws prohibited the public from possessing or using firearms under any condition whatsoever. The use of firearms was strictly restricted to its armed forces. Its police headquarters ensured that the law was strictly enforced. Hence there had been no accidents or suicides involving firearms.

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*In this context, "clean controlled delivery" involves secret replacement of an illegal handgun with a legal substitute.

Transnational illicit trafficking in firearms was regarded with considerable concern. The seaport and the airport were under close surveillance for illicit trafficking in firearms. There had been no cases involving such activity.

51. Mexico reported that the Constitution of the United Mexican States regulated the right to possess and carry weapons for self-defence, personal safety and protection of domestic premises. The possession of all firearms had to be reported to the Ministry of National Defence for the purpose of registration in the federal register of weapons. The Penal Code regulated and punished the carrying, manufacture, import and storage, for unlawful purposes, of instruments which might be used to assault and which had no application in occupational or recreational activities. Since 1993, checkpoints had been set up on roadways for the purpose of controlling and monitoring the import of prohibited weapons.

52. The Niger reported that there were decrees regulating arms.

53. Norway reported that the law on firearms of 9 June 1961 regulated the purchase and possession of civil firearms. There was an age limit on the purchase and possession of firearms. To obtain firearms required permission from the chief of police at the district level. Applicants for permission to obtain firearms for hunting were legally required to produce a valid hunting permit. Applicants for permission to obtain guns for training and competition must prove that they were members of a shooting club. Applicants for permission to obtain pistols or revolvers for exercise or competition had to prove that they had been for at least six months members in a pistol club, which in turn must be a member of a shooting organization approved by the Ministry of Justice. Applicants for permission to import firearms must have valid licences for trading in firearms and applicants for permission to re-export firearms must have international import certificates obtained from the Ministry of Foreign Affairs.

54. Pakistan reported that its relevant legislation included the Arms Act, 1878 (XI of 1878), the Explosives Act, 1884, the Explosive Substances Act, 1908 (IV of 1908), the Pakistan Arms Act, 1965 (W.P. No. XX of 1965) and the Surrender of Illicit Arms Act, 1991 (XXI of 1991). They dealt with punishment for possession of and trafficking in illicit arms and with the recovery of such arms. The Special Court constituted under the Suppression of Terrorist Activities (Special Courts Act 1975 (XV) of 1975) tried persons suspected of committing offences involving the use of dangerous firearms.

55. The Philippines reported that the possession of firearms was not a right but a privilege for which a licence from the Philippine National Police was required. To obtain the licence, a person was required, *inter alia*, to provide proof of citizenship, to be over 21 years old and to have no criminal record. To carry firearms required special permission from the Chief of the Police.

56. Qatar reported that it had a law prohibiting trading in firearms, as well as their possession, manufacture or repair, and importation without a proper permit. Furthermore, permits might not be issued to persons under 21 years of age. Licensed firearms could not be carried in public places. Permission to do so was given only after thorough inquiry by the ministries concerned. There was no trade in firearms (legal or illegal). A draft law on firearms, munitions and explosives was currently under consideration.

57. Slovakia reported that law No. 246/1993 of the National Council, within the set of laws on arms and ammunition, prescribed the conditions for possessing and carrying arms and munitions to safeguard life and health and to protect property and persons, with a view to preventing the misuse of arms against the interests protected by the legal system. A licence to carry arms was issued by the police, depending on the legal domicile of the individual, if the relevant conditions, such as good moral character, proof that the individual was at least 21 years of age, and provision of a health certificate, were fulfilled. An applicant for the licence must have professional suitability, including comprehensive knowledge of law on arms and ammunition and of the design and operation of firearms and munitions.

58. Sweden reported that, in principle, the possession of any kind of firearms was subject to authorization. To import or deal in firearms or ammunition also required authorization. Licences to possess firearms and ammunition were issued by the local police after thorough examination or checking. Self-protection was generally not accepted as a reason to possess firearms of any kind. There were no types of firearms that were explicitly prohibited in the legislation; however, a licence to possess automatic firearms or "short" firearms was issued only for particular reasons. The local police kept a register of holders of licence, including information on the firearms for which licences had been issued in their district.

59. The Syrian Arab Republic reported that there was a decree that regulated the circulation of firearms and the firearms trade in the country as follows: the importation of every kind of weapon or ammunition was carried out by the public sector; domestic supply of every kind of imported weapon and ammunition was fulfilled only after prior review by the Ministry of the Interior; the public sector distributed the imported weapons through its local offices; all permits issued in the past were valid and could not be reissued in the future; people trading in weapons and ammunition had six months to close their businesses; and the ministries of the interior, external trade, internal trade and supplies had to enact the necessary laws and regulations in order to implement the decree.

D. Initiatives for firearms regulation at the national and regional levels

60. Argentina reported that a heated debate had been raging on the use by private persons of firearms for purposes of "legitimate defence". The events prompting the controversy were a number of cases in which the victim of an offence - generally a robbery - reacted by firing at the offender. Those acts, in which people had taken justice into their own hands, had had a powerful impact on the public, dividing it into those who argued that such extreme behaviour was justified and those who vigorously condemned it. A further result was that the whole issue of the effectiveness of firearms regulation had once again been brought to the fore, although concrete measures producing substantial changes had yet to be adopted. However, the issue had been firmly established in the realm of public opinion.

61. Australia reported that the Government had been seeking a better balance between control of the most dangerous firearms and requirements for their legitimate use and possession to reduce to a minimum the number of violent incidents involving firearms.

62. Finland reported that it had ratified the convention on the reciprocal recognition of proofmarks on small arms and that it was bound by the recommendation of the Nordic Council, issued in 1991, on the harmonization of legislation concerning firearms. By 1 January 1998, Finland would accede to the convention applying the Schengen agreement of 14 June 1985.[3] Finland reported also that the Ministry of the Interior was preparing a general reform of legislation concerning firearms because it was in many aspects outdated.

63. Germany reported that the number of firearms purchased by German nationals in member States of the European Community had decreased substantially as a positive result of intensified European cooperation. Recent seizures of illegal firearms, however, indicated that German nationals were increasingly trying to purchase firearms illegally in countries outside the European Community. Meanwhile, the Government had initiated the first steps to intensify its cooperation with neighbouring countries in eastern Europe and countries in south-eastern Europe on the basis of the 1978 European Convention on the Control of the Acquisition and Possession of Firearms by Individuals.

64. Greece reported that the Ministry of Public Order was issuing circulars aimed at the intensification of controls over illicit firearms trafficking and at the strict implementation of the respective law in force. Within the framework of the European Union, ICPO/Interpol and bilateral agreements, Greece was closely cooperating with other countries and exchanging relevant information with a view to combating illicit firearms trafficking and the transnational criminal syndicates involved in such trafficking.

65. Japan reported that, in order to take comprehensive measures against the illicit use of firearms, a Liaison Conference of Ministries and Agencies to Control Handguns had been held in late 1994. Several measures to promote the confiscation of handguns were decided at that conference. Japan had established an effective information exchange system not only through ICPO/Interpol, but also on a bilateral basis with neighbouring countries and had held several conferences and seminars on firearms regulation. In addition, the customs office had strengthened cooperation with foreign authorities through law enforcement meetings on smuggling.

66. Japan also reported that, since November 1994, the National Police Agency had sponsored international conferences on gun control administration, which had been held in Tokyo. The third conference had been held in November 1995. Eight countries, including not only neighbouring ones but also the Russian Federation and the United States of America, as well as ICPO/Interpol, had participated in the conferences. The conferences had discussed, *inter alia*, ways to promote information exchange and firearms tracing and had decided to establish an emergency network connected by fax machine.

67. Mexico reported having cooperated in a number of specific activities with neighbouring countries. As part of an initiative taken to combat drug trafficking, Mexico would adopt concrete measures to combat the illicit arms trade.

68. Norway reported that the Ministry of Justice had established a committee in November 1995 that had been commissioned to revise the law on firearms and to look at the appropriateness of a national and weapon amnesty that would be in effect for a limited time. The discussion in the committee had been related to whether regulations concerning the way people were obliged to keep their weapons in their private houses were good enough, whether it should be illegal to carry weapons in public places and whether sentencing for weapon offences was strict enough. Norway also reported that it had had close cooperation involving police with neighbouring Nordic countries and that it was negotiating to join the Schengen group.

69. The Philippines reported that in 1993 the police had launched an operation aimed at seizing firearms and that the operation had resulted in the seizure of 12,409 firearms. The licensing by the Government of a firearms factory had resulted in the illegal manufacture of firearms being reduced to a minimum. As of 30 October 1994, 568,194 firearms had been registered. The President had issued an executive order three times in 1993 and 1994 granting an amnesty of three months for the surrender of unregistered firearms that could be licensed in the name of the owners; the executive order had resulted in 77,645 firearms being registered. The aim of the executive order was to register all the estimated 225,000 unregistered firearms in order to complete and update all firearms records and to establish a firearms and explosives office, which would function as a clearing-house for all records and information pertaining to firearms and ammunition.

70. Qatar reported that information was exchanged on shipments of firearms, explosives and munitions between Arab States in general and between the member States of the Cooperation Council for the Arab States of the Gulf in particular, through the liaison department of the Council of Arab Ministers of the Interior.

71. Slovakia reported that the police were responsible for keeping a register of firearms and relevant information on firearms trade. Records on firearms, licences to carry them and the holders of such licences were currently being computerized in order to make more effective use of them.

72. Sweden reported that during 1994 a couple of serious crimes had been committed with automatic rifles, one of which had been stolen from the armed forces in Norway. The Government of Sweden had recently presented to the parliament a proposal on a new act on firearms that would restrict access to ammunition, restrict the number of firearms and implement Council of the European Communities directive 91/477/EEC of 18 June 1991, on control of the acquisition and possession of weapons.[4]

E. Public awareness campaigns and public opinion polls on firearms regulation

73. Argentina reported that there were no major public opinion campaigns being conducted on firearms regulation, nor was there any information concerning public opinion polls on that issue.

74. Australia reported that there had been no national campaign against firearms; however, advertised amnesties were sometimes used in jurisdictions as a means of reducing the number of firearms in the community.

75. Greece reported that through the regional police services, as well as the hunting and shooting federations, the public was continuously being informed of existing firearms regulations and asked to abide by those regulations. Suicides and accidents related to firearms mostly occurred with hunting firearms.

76. Japan reported that a public opinion poll on firearms had been conducted by the Prime Minister's Office in 1994; a Peoples' Meeting for Elimination of Firearms had been held in 1995; and the Government had held meetings with companies in the private sector, including airline companies and fishing companies, to discuss ways to stop firearms smuggling. As a result, two posters, three handbills and three booklets on the control of firearms had been disseminated.

77. Mexico reported that the Department of Public Prosecution, through the Crime Prevention and Community Services Office, had distributed posters discouraging the carrying of weapons.

F. Views on the possible preparation of a draft declaration concerning firearms regulation

78. Argentina would support all initiatives aimed at the adoption of measures regarding firearms regulation and trafficking, as indicated above.

79. Australia would support the preparation of an appropriate declaration of principles as a means of reducing the number of firearms in the community.

80. Austria considered the drafting of guidelines to restrict the use of firearms at the international level to be an important issue. Furthermore, Austria would offer technical assistance in the drafting and execution of the necessary legislative measures.

81. Canada reported that it would be favourably disposed towards the preparation of a declaration concerning firearms regulation. The declaration would benefit by the completion of the United Nations study (described in section III below) and the interregional workshops to follow. Canada would tentatively encourage the consideration of standard protocols on the transnational trade in firearms, as well as measures to restrict the availability of highly lethal firearms among citizens.

82. Finland reported that it was necessary to prepare such a declaration. The declaration should contain a definition of firearms, ammunition and components of firearms and should recommend that the acquisition and possession of firearms and ammunition should always require a licence granted by an authority and other detailed conditions regarding such licences.

83. Greece reported that, in preparing a United Nations declaration concerning firearms regulation, the following should be taken into consideration: (a) the views of Member States as to the establishment of a unified procedure for the exchange of relevant information by specifically appointed contact points; and (b) the existing procedures of international organizations and agreements (the European Union, ICPO/Interpol, the Schengen agreement etc.).

84. Japan reported that it would support the idea of preparing such a draft declaration.

85. Norway held the view that preparing a declaration concerning firearms regulation would be a positive step.

86. Sweden stated that it welcomed the initiative taken by the Ninth Congress in that area. Such a declaration could be a first step towards controlling the possession of and trafficking in firearms. Such a declaration should point out possible future action in that area. One possibility might be to work towards a global convention on the control of firearms.

II. ADVISORY GROUP ON THE GATHERING AND ANALYSIS OF INFORMATION ON FIREARMS REGULATION

A. Preparation and results

87. The Economic and Social Council, in its resolution 1995/27, section IV, endorsed the work plan[5] to implement Ninth Congress resolution 9.[1] The Secretariat initiated consultations with interested Member States on the ways and means of putting the work plan into operation.

88. The Government of Japan offered to provide 163,000 United States dollars to implement the first stage of the firearms regulation project, including the organization of a meeting of an advisory group on the gathering and analysis of information on firearms regulation. The task of that meeting was to recommend the most appropriate methods for collecting and analysing such information worldwide. Canada contributed US$ 30,000, including staff time and expertise, to draft a questionnaire on firearms regulation.

89. The financial crisis of the United Nations delayed the release of funds, which were made available only in the third quarter of 1995, and thus delayed the plan to start gathering the data and other information on firearms regulation. On the basis of available resources, it was decided that only 50 national consultants could be contracted to gather data and other information on the subject, and not 90 as originally envisaged. The Secretariat held consultations with interested Member States on the question of the possible composition of the group of experts and its leadership. Consultations were held with the Department for Disarmament Affairs and the United Nations Institute for Disarmament Research on the scope of activities related to the project.

90. The meeting of the advisory group was held at Vienna from 18 to 20 December 1995. The objective of the meeting was to offer recommendations on the appropriate ways and means of carrying out the project.

91. The following experts attended the meeting: Stewart Allen (United States of America), Anatoly Bakayev (Russian Federation), Tony Dittenhoffer (Canada), James Hayes (Canada), Masao Horikane (Japan) and Jaime Malamud Goti (Argentina).

92. The Government of Australia and ICPO/Interpol were represented by observers.

93. Observers were sent by the following institutes in the United Nations crime prevention and criminal justice programme network: the United Nations Interregional Crime and Justice Research Institute, the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, the European Institute for Crime Prevention and Control, affiliated with the United Nations, the African Institute for the Prevention of Crime and the Treatment of Offenders and the International Institute for Criminal Law Reform and Criminal Justice Policy.

94. The meeting elected Mr. Hayes as Chairman and entrusted him with the task of coordinating the project with the Secretariat.

B. Questionnaire and guidelines

95. On the basis of a paper prepared by the Department of Justice of Canada in consultation with the Crime Prevention and Criminal Justice Division, the experts and other participants at the meeting exchanged views on ways and means of preparing a survey instrument through which information relevant to the scope of the study could be collated and analysed. It was agreed that the best means of conducting a systematic and methodologically sound comparative analysis of the question of firearms regulation in selected Member States would be by preparing and disseminating a well-constructed questionnaire, one that would be neutral in essence, accompanied by guidelines for the respondents. The meeting unanimously agreed that, in the interest of transparency, the results of the survey and related records of the ad hoc expert group meeting should be made publicly available.

96. Since the convening of the meeting of the advisory group, the participants in the project have been involved in improving the survey instrument and guidelines.

97. The questionnaire consists of general guidelines, contained in the introduction, and specific guidelines that follow each of the questions. The questionnaire consists of eight parts: general issues of firearms regulation; the question of firearms regulation and ownership; firearms regulation, possession and use; firearms manufacturing and trade; firearms smuggling and trafficking; demographic, vital and accident statistics; crime statistics; and policy and public education initiatives. The full text of the questionnaire will be made available to the Commission at its fifth session as a conference room paper.

98. In addition to preparing the questionnaire, the advisory group provisionally identified 50 Member States to be approached with a request to provide requisite data and other information that would be collected by 50 national consultants. An institutional contract between the United Nations Office at Vienna and the International Centre for Criminal Policy and Law Reform was concluded to subcontract, monitor and evaluate the work of the national consultants. At the same time, the project team received feedback from institutes in the programme network concerning the preliminary design of the questionnaire, as a result of its being pre-tested.

99. Funded by a special contribution of the Government of Japan, a steering committee met at Vienna from 2 to 3 May 1996 to review the progress of the project and to prepare the agenda for the ad hoc expert group meeting, which would be funded from the regular budget of the United Nations. The steering committee had before it all replies to the note verbale dated 20 November 1995 from the Secretary-General to Governments, which are summarized in section II above.

100. The main objective of the ad hoc expert group meeting will be to review the replies to the questionnaire and to prepare a substantive report on patterns and dynamics of firearms regulation, including recommendations for project follow-up. As planned by the advisory group at its meeting, consideration will be given to including in the global report on crime and justice a summary of the results of the survey. Finally, subject to the availability of extrabudgetary funds, an electronic database with the results of the survey on firearms regulation will be established, to be made available via the United Nations Crime and Justice Information Network. The ad hoc expert group meeting on the gathering and analysis of information on firearms regulation will meet at Vienna from 9 to 11 December 1996.

III. CONCLUSION

101. In the period between the fourth and fifth sessions of the Commission, tangible progress has been made in the complex area of firearms regulation. For the first time, the United Nations crime prevention and criminal justice programme could garner some initial information on this extremely sensitive and important area from the standpoint of crime prevention and public safety. The present report, although preliminary in

nature, shows, *inter alia*, how diverse, complex and fragmentary statistics on the question of firearms regulation are.

102. From an analytical and policy perspective, there is a clear need to improve firearms statistics and information, making them more comparable and meaningful. It is in that context that the work of the project team on firearms regulation, described in paragraphs 87-100 above, may contribute to the development by the Commission of effective firearms regulation schemes.

103. The project has great potential in terms of providing both a comprehensive review of developments in firearms regulation throughout the world and a sound and objective basis for formulating recommendations to Member States, intergovernmental and non-governmental organizations. Due to its complexity and sensitivity, the project requires further refinement in response to changing political and logistical circumstances. The first year of implementation of the project showed that its success will depend on many diverse factors, including the confidence of Member States regarding its methods and results. Further discussion of the question of firearms regulation at the fifth session of the Commission and recommendations to be made by it should help to consolidate the work of Member States, the Secretariat and others involved.

IV. ACTION REQUIRED OF THE COMMISSION

104. In light of the above, the Commission may wish:

(a) To recommend the continuation of the project on firearms regulation, subject to the availability of extrabudgetary funds, in order to improve the information base on the question of firearms regulation, by offering recommendations to Member States on the statistical recording and reporting of relevant firearms data and by building up a database on firearms regulations, to be made available electronically worldwide;

(b) To encourage Member States to provide firearms data to the Secretariat;

(c) To broaden the scope of the project on firearms regulation by increasing the number of countries to be covered in the next stages of the survey;

(d) To recommend the translation of replies from survey respondents from English into other official languages of the United Nations;

(e) To encourage interested States to initiate and/or intensify regional and subregional cooperation through meetings of law enforcement officials, training workshops and bilateral visits with a view to improving methods to control illicit trafficking in firearms.

105. The Commission may wish to consider inviting intergovernmental organizations to strengthen inter-agency collaboration in assessing data on the patterns and dynamics of criminal and other (suicidal, accidental) use of firearms and on illicit trafficking in firearms, with a view to obtaining a more comprehensive picture of evolving trends.

106. With regard to the role of non-governmental organizations in the firearms regulation project, the Commission may wish to consider to what extent non-governmental organizations in consultative status with the Economic and Social Council and other relevant organizations may be involved in the implementation of the project. Specifically, as there is a considerable interest in seeing how the project is being carried out, the Commission may wish to consider the mechanism through which this can best be achieved. Perhaps a select number of such organizations could be invited to prepare, at the request of the Secretary-General, brief statements, preferably in English, on the question of firearms regulation. The scope and content of those

statements could cover the topics related to firearms regulation that were referred to by the Economic and Social Council in its resolution 1995/27, section IV.

Notes

[1]*Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo, 29 April-8 May 1995* (A/CONF.169.16/Rev.1), chap. I. The report will subsequently be issued as a United Nations sales publication.

[2]*European Convention on the Control of the Acquisition and Possession of Firearms by Individuals*, European Treaty Series, No. 101 (Strasbourg, Council of Europe, 1978).

[3]*International Legal Materials*, vol. XXX, No. 1 (January 1991).

[4]*Official Journal of the European Communities*, No. L 256/51, 13 September 1991.

[5]*Official Records of the Economic and Social Council, 1995, Supplement No. 10* (E/1995/30), para. 19.